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13 **UNITED STATES DISTRICT COURT**

14 **DISTRICT OF NEVADA**

15 In re: 16 CHARLESTON ASSOCIATES, LLC, 17 Debtor.	Bankruptcy Case No. BK-S-13-10499
18 CHARLESTON ASSOCIATES, LLC, 19 Appellant, 20 vs. 21 RA SOUTHEAST LAND COMPANY, 22 LLC; CITY NATIONAL BANK, 23 Appellees.	Case No.: 2:11-cv-02023-MMD-PAL Ninth Circuit Court of Appeals No. 13-16698 On appeal from the United States Bankruptcy Court for the District of Nevada Adversary Case No.: 10-1452
	[PROPOSED] ORDER GRANTING IN PART AND DENYING IN PART CITY NATIONAL BANK'S MOTION FOR ATTORNEYS' FEES [ECF NO. 115]

24 This matter having come before the Court in accordance with an Order of the
25 Ninth Circuit Court of Appeals pursuant 9th Circuit Rule 39-1.8 [ECF No. 110], pursuant
26 to which City National Bank ("CNB") filed its Motion for Attorneys' Fees ("Motion for
27 Attorneys' Fees") on March 16, 2016 [ECF No. 115], by and through its counsel of

1 record, Richard F. Holley, Esq. and F. Thomas Edwards, Esq., of the law firm of Holley
 2 Driggs Walch Fine Wray Puzey & Thompson (the “Holley Firm”) and Lance M. Jurich,
 3 Esq., of the law firm of Loeb & Loeb, LLP (the “Loeb Firm”). The Court, having
 4 reviewed the Motion and all supporting exhibits and declarations attached thereto [ECF
 5 No. 115], pursuant to which CNB requested an award of attorneys’ fees totaling
 6 \$486,535.65 for attorneys’ fees incurred through February 22, 2016; the Opposition to
 7 Motion by City National Bank for Attorneys’ Fees and all supporting exhibits and
 8 declarations attached thereto filed by Charleston Associates, LLC, on April 4, 2016 [ECF
 9 No. 116]; CNB’ Reply in Support of its Motion for Attorneys’ Fees and all supporting
 10 exhibits and declarations attached thereto (the “Reply”), filed April 21, 2016 [ECF No.
 11 122]; the Supplemental Declaration of Lance N. Jurich in Support of Motion for
 12 Attorneys’ Fees and the supporting exhibits attached thereto, filed May 10, 2016 [ECF
 13 No. 127] (the “Jurich Declaration”), pursuant to which CNB requested an award of
 14 attorneys’ fees totaling \$39,006.90 with respect to the work done by the Loeb Firm in
 15 connection with the Reply; the Third Supplemental Declaration of Richard F. Holley,
 16 Esq. and the supporting exhibits attached thereto, filed May 10, 2016 [ECF No. 128] (the
 17 “Holley Declaration”), pursuant to which CNB requested an award of attorneys’ fees
 18 totaling \$14,546.00 for the work done by the Holley Firm after February 22, 2016 in
 19 connection with the Motion; and based upon the pleadings and papers on file herein; and
 20 based upon this Court’s Order entered on March 28, 2017 [ECF No. 134], pursuant to
 21 which the Court found the attorneys’ fees of CNB’s counsel to be reasonable; and good
 22 cause appearing,

23 **IT IS HEREBY ORDERED** that CNB’s Motion for Attorneys’ Fees [ECF No.
 24 115] is GRANTED to the extent set forth herein;

25 **IT IS FURTHER ORDERED** that CNB shall be awarded \$540,088.55 against
 26 Charleston Associates, LLC, which award is comprised of attorneys’ fees totaling
 27 \$486,535.60 requested in the Motion, attorneys’ fees totaling \$39,006.90 requested in the

1 Jurich Declaration, and attorneys' fees totaling \$14,546.00 requested in the Holley
2 Declaration, which fees the Court finds to be reasonable; and

3 **IT IS FURTHER ORDERED** that CNB's request for the award of attorneys'
4 fees against New Boca Syndications Group ("NBSG") is DENIED, as this Court is not
5 the proper forum to enforce the \$540,088.55 award against NBSG.

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8 IT IS SO ORDERED:

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UNITED STATES DISTRICT JUDGE
11 DATED: _____

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Prepared and submitted by:

13

HOLLEY DRIGGS WALCH
FINE WRAY PUZEY & THOMPSON

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/s/ Richard F. Holley _____
15 RICHARD F. HOLLEY, ESQ.
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Los Angeles, California 90067
21 *Attorneys for City National Bank*

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APPROVED / DISAPPROVED
Dated this _____ day of April, 2017

23

LEWIS ROCA ROTHGERBER, LLP

24

25 _____
26 Robert M. Charles, Jr., NV Bar No. 6593
John E. Bragonje, NV Bar No. 9159
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3 MUCH SHELIST, P.C.
4 Neal L Wolf
1 191 North Wacker Dr., Ste. 1800
5 Chicago, IL 60606

6 *Attorneys for Charleston Associates, LLC*

7 **APPROVED/ DISAPPROVED**
8 DATED this 12th day of April, 2017.

9 SCHWARTZER & MCPHERSON LAW FIRM

10 /s/ Leonard E. Schwartz
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12 2850 South Jones Blvd., Ste 1100
12 Las Vegas, NV 89146

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17 Las Vegas, Nevada 89169

18 *Attorneys for RA Southeast Land Company, LLC*

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LOCAL RULE 7-2(f) CERTIFICATE

2 In accordance with Local Rule 7-2(f), counsel submitting this document certifies
3 that the order accurately reflects the court's ruling and that:

4 I have delivered a copy of this proposed order to all counsel, and each has
5 approved or disapproved the order, or failed to respond, as indicated below, after three
6 days' passing.

Attorneys for Charleston Associates, LLC

- Approved
- Disapproved. Reason:
- Failed to Respond

Attorneys for RA Southeast Land Company, LLC

Approved
 Disapproved. Reason:
 Failed to Respond

12 DATED this 19th day of April, 2017

HOLLEY DRIGGS WALCH FINE WRAY PUZEY & THOMPSON

/s/ Richard F. Holley
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Attorneys for City National Bank

09525-14/1865384.DOCX

CERTIFICATE OF SERVICE

2 I certify that I am an employee of Holley Driggs Walch Fine Wray Puzey &
3 Thompson, and that, pursuant to Fed. R. Civ. P. 5(b), on the 19th day of April, 2016, I
4 caused the document entitled [PROPOSED] ORDER GRANTING IN PART AND
DENYING IN PART CITY NATIONAL BANK'S MOTION FOR ATTORNEYS'
FEES [ECF NO. 115] to be served as follows:

- Personal Service
- Electronic service via CM/ECF Notice
- Fax Service
- Mail Service
- Overnight Delivery

8 to the following as addressed below:

9 Laura J Portillo firm@brinkmanlaw.com
Lenard E. Schwartzer bkfilings@s-mlaw.com
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19 I FURTHER CERTIFY that, on the above date and pursuant to Fed R. Civ. P. 5(b), I
20 deposited for mailing in the U.S. Mail a true and correct copy of the same document,
postage prepaid and addressed to:

21 U.S. Trustee, Las Vegas
300 Las Vegas Boulevard South
22 Suite 4300
Las Vegas, NV 89101-5803

Orson W. Dickey
An employee of Holley Driggs Walch
Fine Wray Puzey & Thompson